

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emma Stydahr	Team: Squad #13	CCRB Case #: 202005170	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input checked="" type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 07/19/2020 7:58 PM, Sunday, 07/19/2020 10:00 PM, Thursday, 08/05/2021 12:00 AM	Location of Incident: East 46th Street and Kings Highway; 63rd Precinct stationhouse	18 Mo. SOL 5/4/2022	Precinct: 63		
Date/Time CV Reported Tue, 07/21/2020 6:05 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 07/21/2020 6:05 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Ali Alomaisi	23797	962918	063 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jarred Anton	23826	952415	063 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Ali Alomaisi	Abuse: At East 46th Street and Kings Highway in Brooklyn, Police Officer Ali Alomaisi refused to provide his name to § 87(2)(b)	
B.POM Ali Alomaisi	Discourtesy: At East 46th Street and Kings Highway in Brooklyn, Police Officer Ali Alomaisi acted discourteously toward § 87(2)(b)	
C.POM Ali Alomaisi	Abuse: At the 63rd Precinct stationhouse in Brooklyn, Police Officer Ali Alomaisi searched § 87(2)(b) recording device.	
D.POM Ali Alomaisi	Untruthful Stmt.: Police Officer Ali Alomaisi provided a false official statement to the CCRB.	

Case Summary

On July 21, 2020, § 87(2)(b) filed this complaint via the CCRB website.

On July 19, 2020, at approximately 7:30pm, § 87(2)(b) was involved in a traffic collision at East 46th Street and Kings Highway in Brooklyn. Police Officer Ali Alomaisi and Police Officer Jarred Anton, both of the 63rd Precinct, responded to the scene. § 87(2)(b) asked PO Alomaisi for his name and he allegedly refused to provide that information (**Allegation A: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) was placed under arrest for driving with a suspended license and escorted to the officers' patrol car. While seated in the car but still at the scene of the accident, PO Alomaisi blew smoke from his e-cigarette at § 87(2)(b) (**Allegation B: Discourtesy**, § 87(2)(g)). § 87(2)(b) was transported to the 63rd Precinct stationhouse, where she requested a phone call. PO Alomaisi gave § 87(2)(b) her cell phone but ultimately took § 87(2)(b) phone out of her hand and allegedly browsed through the phone himself looking for the phone number § 87(2)(b) requested (**Allegation C: Abuse of Authority**, § 87(2)(g)). The investigation determined that PO Alomaisi provided a false official statement to the CCRB (**Allegation D: Untruthful Statement**, § 87(2)(g)).

According to the Office of Court Administration (OCA), § 87(2)(b) pled guilty to driving with a suspended license, for which she paid a \$75 fine (**Board Review 01**).

Body Worn Camera ("BWC") footage from PO Alomaisi and PO Anton was obtained. The footage is in IA #57 – 59 (**Board Review 02, 03, 04**) and is summarized in IA #66 (**Board Review 05**). The footage only partially captures this incident because the nature of the other parts did not require the use of BWC per the Patrol Guide. Stationhouse footage was deleted before it could be obtained by the investigation. There is no other video evidence in this case.

Findings and Recommendations

Allegation (A) Abuse of Authority: At East 46th Street and Kings Highway in Brooklyn, Police Officer Ali Alomaisi refused to provide his name to § 87(2)(b)

§ 87(2)(b) (**Board Review 06**) said after the officers arrived at the scene of the vehicle accident, she called her car insurance agency. The insurance representative requested the names of the officers present. § 87(2)(b) approached PO Alomaisi, whom she identified by rank and name when she filed this complaint (**Board Review 07**), who was seated in a patrol car, and she asked for his name. PO Alomaisi said § 87(2)(b) would get his name once he provided her with the accident report. § 87(2)(b) again requested his name, stating the insurance agency required that information. PO Alomaisi did not respond. § 87(2)(b) asked for PO Alomaisi's name a third time, and again he did not respond. § 87(2)(b) saw PO Alomaisi's name on his uniform shirt and read it aloud to the insurance representative. PO Alomaisi rolled up his window and § 87(2)(b) walked back to her car. § 87(2)(b) said that four days after this incident, she went to the 63rd Precinct stationhouse and obtained a copy of the associated motor vehicle accident report. The report lists the reporting officer as PO Alomaisi (**Board Review 08**).

§ 87(2)(b) said her friend § 87(2)(b) witnessed this incident, but he was unavailable to the investigation (see IAs for contact attempts).

PO Alomaisi (**Board Review 09**) said that upon arriving, he spoke with § 87(2)(b) and requested her license, registration, and insurance in order to generate an accident report. § 87(2)(b) was busy on the phone with her insurance agency and only provided her license. PO Alomaisi returned to his vehicle and began generating the accident report. § 87(2)(b) approached and asked for his name for insurance purposes. At first, PO Alomaisi said that information would be on the accident report, and he reiterated that he needed her registration and insurance so he could complete the report. § 87(2)(b)

§ 87(2)(b) said, “They need your name now,” and PO Alomaisi said “Okay, it’s Officer Alomaisi.”

PO Anton (**Board Review 10**) said that when § 87(2)(b) approached the patrol car, he was busy looking up insurance information for the other motorist involved in the accident and was not paying attention to § 87(2)(b). He did not know if PO Alomaisi refused to provide his name to § 87(2)(b). § 87(2)(b) did not say anything to PO Anton.

There is no video evidence of this aspect of the incident.

§ 87(2)(g)
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§ 87(2)(g)

Allegation (B) Discourtesy: At East 46th Street and Kings Highway in Brooklyn, Police Officer Ali Alomaisi acted discourteously toward § 87(2)(b)

§ 87(2)(b) was ultimately placed under arrest for driving with a suspended license. She was handcuffed and placed inside of the patrol car in the rear passenger-side seat. The front windows of the patrol car were down. PO Alomaisi stood next to the front passenger door and began smoking an e-cigarette. PO Alomaisi intentionally blew secondhand smoke through the open windows into the car at § 87(2)(b). § 87(2)(b) did not say anything to PO Alomaisi about the smoke.

In PO Alomaisi’s BWC footage (**Board Review 02**), at the 08:00 minute-mark of the media player timestamp (visible at the bottom of the screen), as § 87(2)(b) is seated in the rear passenger backseat, PO Alomaisi opens the front passenger-side door, and at 08:24, he is captured holding a drink from the cup holder in his right hand and an unidentified object in his left hand. At 08:41 he picks up an ID from inside the vehicle with his left hand, and the unidentified object is seen in his left hand. Between 09:26 and 09:50, PO Alomaisi raises and lowers his left hand twice, still holding the unidentified object. When he raises his hand, his hand and the object disappear out of the top left side of the frame for several seconds before reappearing in front of his torso. When his hand is out of frame, he can be heard inhaling. At 09:35, the unidentified object appears near his BWC; the object is black and cylindrical. At 10:45, PO Anton returns and briefly speaks with § 87(2)(b) regarding her property. At 12:37, right before the officers enter the patrol car to transport § 87(2)(b) to the stationhouse, the unidentified object is visible again in PO Alomaisi’s left hand. The BWC footage does not capture any conversation or statements regarding e-cigarettes, smoke, or smoking.

A screenshot from PO Alomaisi’s BWC footage of the unidentified object in his hand is in IA #119 (**Board Review 12**). For reference, a photo of a popular electronic cigarette, obtained from Google, is in IA #120 (**Board Review 13**).

PO Alomaisi acknowledged having an e-cigarette in his possession on the incident date, and said he was smoking it during the incident while he generated the accident report inside the patrol car. PO Alomaisi denied smoking his e-cigarette while § 87(2)(b) was in the vehicle, and he denied blowing smoke into the vehicle while she was inside. PO Alomaisi was unable to say what the unidentified object in his left hand captured in his BWC footage was. When asked what he was doing when in the footage he is captured raising and lowering his left hand, PO Alomaisi said “I don’t remember,” though he denied smoking his e-cigarette at that time. He “couldn’t really tell from the video” if his e-cigarette was in his hand at that time. When shown the video paused at 09:35 and asked if the black object visible in his hand was his e-cigarette, PO Alomaisi said “I couldn’t really tell you to be honest.”

PO Anton did not recall if PO Alomaisi smoked an e-cigarette on the incident date, during this incident, or in the presence of § 87(2)(b). He did not recall PO Alomaisi blowing smoke into the patrol car while § 87(2)(b) was inside.

The mission, vision, and values of the NYPD include valuing human life, respecting the dignity of each individual, and rendering services with courtesy and civility. NYPD Patrol Guide, Procedure 203-09 (**Board Review 14**).

While PO Alomaisi denied smoking an e-cigarette in the presence of § 87(2)(b) he acknowledged having an e-cigarette in his possession on the incident date, and even smoking it inside of the patrol car during this incident. Because PO Alomaisi could not account for what the black, cylindrical object his BWC footage captured him holding, nor could he account for what he was doing at the time that his BWC footage captured him twice raising his hand while holding that object in what could reasonably be interpreted as a smoking gesture, the investigation determined that PO Alomaisi was smoking his e-cigarette while § 87(2)(b) was detained nearby inside the patrol car, as alleged. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (C) Abuse of Authority: At the 63rd Precinct stationhouse in Brooklyn, Police Officer Ali Alomaisi searched § 87(2)(b) recording device.

§ 87(2)(b) said that at approximately 9:00pm, while she was inside a holding cell at the 63rd Precinct stationhouse, she asked to make a phone call. Approximately one hour later, PO Alomaisi escorted her out of the holding cell and handed her cell phone to her so she could look up her father's phone number. When she began searching for the number, PO Alomaisi "snatched" the phone from her hand and said, "I said call, not text." PO Alomaisi asked which number § 87(2)(b) wanted and § 87(2)(b) gave him that information. PO Alomaisi browsed through § 87(2)(b) phone, walked away, and returned with a phone number written on a piece of paper. § 87(2)(b) called the number PO Alomaisi provided, left a voicemail message, and was brought back to the holding cell. § 87(2)(b) was unresponsive to contact attempts for follow-up questions regarding this aspect of the incident (see IAs for contact attempts).

PO Alomaisi acknowledged that § 87(2)(b) asked to make a phone call. Typically, when an arrestee requests a phone call, they are not allowed to access their personal cell phone, because that property is vouchered for safe keeping. But, as a courtesy, because § 87(2)(b) did not have the phone number she wanted to call memorized, PO Alomaisi provided her with her phone to look up the number. PO Alomaisi and § 87(2)(b) were standing directly outside of the holding cell. When § 87(2)(b) received her phone, she began texting (PO Alomaisi knew she was texting because she was holding her phone with both hands, tapping the phone with her thumbs, and the cell phone made digital clicking sounds). PO Alomaisi took § 87(2)(b) phone out of her hand and said, "You're not allowed to text in here." § 87(2)(b) asked why, and PO Alomaisi asked § 87(2)(b) "If you want, I can look up the number and give it to you and we're going to close the phone, because I don't trust giving back the phone to you because you might start texting." § 87(2)(b) said "Okay, that's fine," and told PO Alomaisi the name of the person whose number she wanted.

PO Alomaisi could not recall what application had been open when he took § 87(2)(b) phone, or if it had been the texting application. Still standing next to § 87(2)(b) he opened the contact application, scrolled through the contacts, found the name § 87(2)(b) had provided, wrote that phone number down on a piece of paper, closed § 87(2)(b) phone, and provided the paper with

the phone number to § 87(2)(b) who used a stationhouse phone directly outside the holding cells to call the number twice and leave a voicemail message. PO Alomaisi did not open any other applications on § 87(2)(b) phone, and at no point did § 87(2)(b) object to PO Alomaisi using her phone in the described manner.

PO Anton did not have any further contact with § 87(2)(b) after she was brought inside the stationhouse. He did not witness PO Alomaisi using, looking at, or scrolling through § 87(2)(b) phone.

There is no video footage of this aspect of the incident.

PO Alomaisi acknowledged looking through § 87(2)(b) phone to obtain the phone number of the person she wished to call, but he said § 87(2)(b) consented to this before he did it. § 87(2)(b) however, did not mention being asked for consent or offering it during her CCRB interview. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (D) Untruthful Statement: Police Officer Ali Alomaisi provided a false official statement to the CCRB.

As discussed above within the analysis of Allegation B, on August 5, 2021, PO Alomaisi denied smoking his e-cigarette while § 87(2)(b) was inside the patrol car; however, his BWC footage captures him holding a black, cylindrical object consistent with his e-cigarette, and twice raising his hand while holding that object in what the investigation determined was a smoking gesture, while § 87(2)(b) was detained nearby inside the patrol car. When presented with the inconsistency between his statement and his BWC footage, PO Alomaisi said he did not remember what he was doing at that point of his BWC footage, and that he “couldn’t really tell from the video” whether he was holding his e-cigarette, but he maintained that he did not smoke his e-cigarette while § 87(2)(b) was inside the patrol car.

A false statement is an intentional statement that a member of the service knows to be untrue, which is material to the outcome of an investigation, proceeding, or other matter in connection with which the statement is made. A material fact is a significant fact that a reasonable person would recognize as relevant to, or affecting, the subject matter of the issue at hand, including any foreseeable consequences. It is a fact that is essential to the determination of the issue and the suppression, omission, or alteration of such fact would reasonably result in a different decision or outcome. Intentionally making a false official statement regarding a material matter will result in separation from the Department, absent extraordinary circumstances. NYPD Patrol Guide, Procedure 203-08 (**Board Review 18**).

PO Alomaisi’s statement that he did not smoke his e-cigarette while § 87(2)(b) was inside the patrol car § 87(2)(g) and even after watching the footage, he maintained that he did not smoke his e-cigarette at that time. His denial of having smoked his e-cigarette while she was inside the patrol car is a material fact directly related to the analysis of Allegation B. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
- PO Alomaisi has been a member of the NYPD for four years and has been a subject in three additional complaints, comprised of seven allegations, one of which was substantiated.
 - In CCRB case # 201807333, one force – chokehold allegation was substantiated. The Board recommended Charges and this case is currently assigned to the APU.
 - § 87(2)(g) [REDACTED]
[REDACTED]

Mediation, Civil and Criminal Histories

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- As of December 15, 2020, § 87(2)(b) [REDACTED] has not filed a Notice of Claim with the New York City Comptroller's Office regarding this incident (**Board Review 16**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
[REDACTED]

Squad No.: 13

Investigator: Inv. Emma Stydahr Inv. Emma Stydahr 08/26/2021
Signature Print Title & Name Date

Squad Leader: IM Laura Kastner IM Laura Kastner 08/26/2021
Signature Print Title & Name Date